

DEPARTMENT OF COMMERCE
BUREAU OF STANDARDS
WASHINGTON

Letter
Circular
LC-375

XI-3

(May 4, 1933)

SURVEY OF ZONING LAWS AND ORDINANCES ADOPTED DURING 1932*

Contents

	Page
Introduction	1
<u>Part I. Zoning Legislation</u>	3
Massachusetts	3
New York	4
Virginia	5
Zoning Legislation Enacted during 1932 - by States	6
<u>Part II. Zoned Municipalities</u>	8
Increase in Zoning during 1932	8
Larger Cities Zoned	8
Majority of Ordinances Adopted or Amended during 1932 Are Comprehensive	9
Types of Zoning Ordinances Adopted during 1932 by Municipalities of Various Size (Table)	9
Ordinances Adopted or Amended during 1932 (Table)	10
Explanatory Notes	11
List of Zoning Ordinances Adopted or Amended during 1932	12

Introduction

Twelve hundred and thirty-six cities, towns, boroughs, villages and unincorporated areas, having a total population of more than 48,400,000 people, had adopted zoning regulations by January 1, 1933 as reported in a survey by the Division of Building and Housing. They numbered more than

* A report prepared by Norman L. Knauss of the Division of Building and Housing.

70 per cent of the entire urban population of the United States. At the same date, zoning enabling acts had been adopted by 47 States and the District of Columbia, while the general home-rule provisions of the State of Washington have been construed to permit cities of the first class in that State to adopt zoning regulations. Many of the enabling acts permit all municipalities within the respective states to adopt zoning regulations; some confer zoning authority upon a particular class of municipalities; and, in other instances, municipalities are specified by name in the acts.

Zoning legislation enacted during 1932, in which year few legislatures met, consisted of supplementary regulations, and charter amendments authorizing zoning by specific cities. Of interest, also, was a report presented to the Massachusetts legislature by a special commission appointed to study and revise the laws relating to zoning, town planning and the regulation of billboards and other advertising devices. In regard to zoning legislation the commission, after two years of study, submitted a proposed zoning law to apply to any city except Boston, and any town. The text of this bill was based on "A Standard State Zoning Enabling Act",* prepared by the Advisory Committee on City Planning and Zoning of the Department

* Price 5 cents. Apply Superintendent of Documents, Government Printing Office, Washington, D. C.

of Commerce in 1923, a revised edition of which was issued in 1926.

The zoned municipalities of the country are listed in a report of the Bureau of Standards entitled "Zoned Municipalities in the United States."*

Part I. Zoning Legislation

Massachusetts:

The Massachusetts legislature amended the zoning law of the city of Boston (Chapter 43) in regard to the use of buildings and premises and the bulk of buildings and occupancy of lots in specified districts. The legislature also continued the life of the special commission authorized by the 1931 legislature to study and revise the laws relating to zoning, town planning and the regulation of billboards and other advertising devices (Resolve 14). The Commission was instructed to submit its report in December 1932. In the report, the commission stated concerning zoning legislation:-

"CHAPTER 4. MUNICIPAL ZONING.

* * * * *

"The task of this commission was, therefore, not to create completely new laws and new precedents, but to codify the existing procedure of Massachusetts, and, further, to amend it in the light of experience both here and throughout the United States.

* Copies obtainable from the Division of Building and Housing, Bureau of Standards, Department of Commerce, Washington, D. C., upon request.

"This commission first endeavored to make all its suggestions for improvements of present zoning laws in the form of amendments to existing acts, but since, as has been said, these acts were a matter of general growth and were in different places in the statutes, we found that it was more advisable to codify these existing acts in one place, to arrange them in better coordination, to make changes which practical experience indicates are necessary, and to add to them certain features which have proved their worth in the experience of other States in which they have been in operation for a considerable time.

"The form of these statutes as we now submit them is roughly the form of the standard zoning enabling act which was published by the United States Department of Commerce in 1926, and which has been adopted in whole or in part by many of the States of the Union."

New York:

Several laws were enacted by the New York State legislature, the chief one of which (Chapter 634), differs from earlier zoning legislation applying to towns in the following respects:

Previously the zoning authority was conferred upon "towns" without regard to their size. The recent law classifies towns as of the "first" and "second" classes, conferring zoning authority upon all towns of the first class, and, subject to a permissive referendum, permits zoning to be put into effect by towns of the second class.

While the former law provided that, where zoning is in effect the town board "may" appoint a board of appeals consisting of five members, the 1932 law is mandatory in that it specifies "shall" appoint, and adds that the town board shall designate the chairman of the board of appeals.

The dissemination of zoning and planning information by regional and county planning boards was provided by an amendment of the general municipal law (Chapter 137); and there was also an amendment of the general city law in regard to the regulation of buildings and use districts (Chapter 242).

Virginia:

New charters of the cities of Alexandria and Winchester and the town of Scottsville, and an amendment to the charter of the town of Bluefield authorize zoning. Several other zoning acts extend zoning authority to cities in counties adjoining any city within the state of Virginia "having a population of 125,000 or more"; and "any county having a population of over 25,000 inhabitants and which adjoins two cities, both of which are located in this state, and have an aggregate population of not less than 165,000 nor more than 185,000 inhabitants."

Zoning Legislation

On the following two pages are given citations and abstracts of zoning legislation enacted during 1932.

Zoning Legislation Enacted during 1932 - By States

Massachusetts:

Acts and Resolves of 1932, Chapter 43.

An Act relative to the use of buildings and premises, the bulk of buildings and occupancy of lots in specified districts of the city of Boston.

Acts and Resolves of 1932. Resolve No. 14.

Resolve reviving and continuing the special commission established to study and revise the laws relative to zoning, town planning and the regulation of billboards and other advertising devices. (Commission submitted report to legislature in December 1932.)

New York:

Laws of 1932, Chapter 137, pages 475-477.

An act to amend the general municipal law in relation to the creation of regional or county planning boards and local appropriations therefor.

Section 3 provides: "Such county or regional planning board shall also through its own staff or such agencies as it may designate, collect and distribute information relative to regional and community planning and zoning in such county or counties, and the exercise of such powers is hereby declared to be for a public purpose and all moneys expended for such purposes are declared to be for municipal use."

Laws of 1932, Chapter 242.

An act to amend the general city law, in relation to the regulation of building and use districts.

Laws of 1932, Chapter 634. Article 16, Section 260 to 269 inclusive. (Chapter 62 of the consolidated laws.) Authorizes zoning by all towns of the first class, and, subject to a permissive referendum, to any other town.

Virginia:

Acts of 1932, Chapter 39.

An act to provide a new charter for the city of Winchester.

Section 12 (city planning and zoning) provides:

"The city shall have full and complete powers to pass any ordinances not in conflict with the state laws for planning and zoning the city for any purpose deemed advisable by the city council, as completely as if all such purposes were fully set forth specifically herein."

Acts of 1932, Chapter 69.

Invests zoning authority in the boards of supervisors "of counties adjoining and abutting any city, within or without this state, having a population of 125,000 or more, as shown by the United States Census, and in boards of supervisors of counties adjoining any county which adjoins and abuts any such city and has a density of population of 500 or more to the square mile, the same powers and authority now vested in, or hereafter conferred upon, common councils of cities and towns, approved March 4, 1920, and any and all acts amendatory thereof, investing in boards of supervisors of counties adjoining and abutting a city with a population of 125,000 or more...." Previous acts are repealed.

Acts of 1932, Chapter 190.

Extends zoning authority to include "any county having a population of over 25,000 inhabitants and which adjoins two cities, both of which are located in this state, and have an aggregate population of not less than 165,000 nor more than 185,000 inhabitants."

Acts of 1932, Chapter 280.

New charter for the city of Alexandria.

Authorizes zoning.

Acts of 1932, Chapter 310.

Amendment of the charter of the town of Bluefield..

Authorizes zoning.

Section 26 provides: "To adopt and enforce zoning ordinances for the promotion of health, safety, morals, comfort, prosperity, or general welfare of the public, and to do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, convenience, health, trade, commerce or industries of the town or its inhabitants."

Acts of 1932, Chapter 344.

New charter for the Town of Scottsville.

Authorizes zoning.

Part II. Zoned Municipalities

Increase in Zoning during 1932

Reports were received from 95 municipalities not included in previous reports, that they have adopted zoning ordinances. Forty-one of these passed their ordinances during the year 1932. The number of communities in which zoning is now effective totals 1236, having a population of 48,441,040. This number is greater than 70 per cent of the entire urban population of the United States. Reports were also received from 51 municipalities that they had either amended or revised earlier zoning legislation during the year.

Larger Cities Zoned

Nashville, Tenn. was the only city having a population greater than 100,000, (153,866), that adopted for the first time a zoning ordinance during the year. However, various cities in this class amended or revised earlier zoning legislation. Among the number were Des Moines, Ia.; Wichita, Kans.; New Orleans, La.; Boston and Lowell, Mass.; Akron, Cincinnati and Dayton, O.; Pittsburgh, Pa.; and Milwaukee, Wis. At present 83 of the 93 cities each having over 100,000 population have zoning ordinances in effect, and other cities in this class are conducting zoning studies.

Majority of Ordinances Adopted or Amended during 1932 Are Comprehensive

An examination of all the ordinances adopted, revised and amended during the year shows that 66 were comprehensive, 12 regulated the use of property, 11 regulated use of property and area of land coverage, 1 regulated use of property and height of buildings, and 2 were interim ordinances.

The ordinances of the 41 municipalities reported zoned during 1932 disclosed that 24 of the number were comprehensive in scope. The types of ordinances adopted, and the size of the respective municipalities are shown in the following table:

Types of Zoning Ordinances Adopted during 1932 by Municipalities of Various Size

Size of municipalities (population 1930 census)	Type of zoning ordinance adopted					
	Comp.	Use	Use	Interim	Total	
		&				
Over 100,000				1		1
40,000 to 100,000		1				1
20,000 to 40,000	3					4
10,000 to 20,000	2		2			4
5,000 to 10,000	10	3	1			14
3,000 to 5,000	2	2	2			6
1,000 to 3,000	5	1				6
Under 1,000	2	1	2			5
Totals		24	8	7	2	41

The activity in 26 States regarding adoption or amendment of municipal zoning ordinances is shown below:

Ordinances Adopted or Amended during 1932

	<u>New</u>	<u>Revised or amended</u>
California.....	-	6
Connecticut.....	1	-
Idaho.....	-	1
Illinois.....	1	2
Indiana.....	-	1
Iowa.....	-	2
Kansas.....	-	3
Louisiana.....	1	1
Massachusetts.....	-	6
Michigan.....	2	1
Minnesota.....	4	-
Mississippi.....	1	-
Missouri.....	1	-
Montana.....	1	1
Nebraska.....	1	1
New Hampshire.....	1	-
New Jersey.....	5	5
New York.....	6	11
Ohio.....	5	3
Oregon.....	1	-
Pennsylvania.....	3	2
Tennessee.....	1	-
Texas.....	3	-
Vermont.....	1	-
Virginia.....	-	2
Wisconsin.....	2	3
 TOTALS	41	51

Zoning Ordinances

On the following pages are listed the 41 municipalities that adopted zoning ordinances during 1932; and the 51 municipalities that either revised or amended zoning regulations during the year.

Explanatory Notes

In the following list of zoned municipalities, the third column indicates the kind of zoning ordinance in effect.

"Comp." indicates a zoning ordinance regulating the use, height and area of buildings, and the use and area of grounds.

"Use" indicates a zoning ordinance regulating the use of buildings and grounds.

"Use & Area" indicates a zoning ordinance regulating the use and area of buildings and grounds.

"Use & Height" indicates a zoning ordinance regulating the use and height of buildings, and the use of grounds.

"Use(Int)" indicates an interim zoning ordinance in effect regulating the use of buildings and grounds until more complete regulations are adopted.

The last column gives the dates of adoption of the zoning ordinances; and where more than one date is given, the subsequent years noted indicate either complete revision of zoning regulations, or amendments.

-12-

Zoning Ordinances Adopted or Amended during 1932

<u>State & municipality</u>	<u>Population 1930 census</u>	<u>Type of zoning ordinance</u>	<u>Date of adoption and amendment</u>
CALIFORNIA			
Albany	8,569	Use	1924-32
Beverley Hills	17,429	Use&Area	1922-7-8-9-32
Chico	7,961	Use&Area	1930-2
Pacific Grove	5,558	Use&Area	1928-32
Palo Alto	13,652	Comp.	1918-22-8-32
Torrance	7,271	Use&Height	1923-32
CONNECTICUT			
New Canaan Town	5,456	Comp.	1932
IDAHO			
Boise	21,544	Comp.	1928-9-30-1-2
ILLINOIS			
Flossmoor	808	Comp.	1925-32
Glencoe	6,295	Comp.	1921-5-7-30-1-2
Westmont	2,733	Comp.	1932
INDIANA			
Richmond	32,493	Comp.	1923-32
IOWA			
Boone	11,886	Comp.	1927-8-31-2
Des Moines	142,559	Comp.	1926-7-8-30-2
KANSAS			
Coffeyville	16,198	Use&Area	1926-9-32
Hays	4,618	Comp.	1931-2
Wichita	111,110	Use&Area	1922-7-8-9-30-32
LOUISIANA			
New Orleans	458,762	Comp.	1929-32
Opelousas	6,299	Use	1932

<u>State & municipality</u>	<u>Population 1930 census</u>	<u>Type of zoning</u>	<u>Date of adoption and ordinance</u>
MASSACHUSETTS			
Boston	781,188	Comp.	1904-23-4-5-6- 7-8-9-30-1-2
Great Barrington	5,934	Comp.	1931-2
Hull	2,047	Comp.	1931-2
Lowell	100,234	Comp.	1922-6-7-9-32
Malden	58,036	Comp.	1923-6-32
Stoneham	10,060	Comp.	1925-6-7-8-9- 30-1-2
MICHIGAN			
Pleasant Ridge	2,885	Comp.	1926-32
Port Huron	31,361	Interim	1932
Three Rivers	6,863	Comp.	1932
MINNESOTA			
Hibbing	15,666	Use&Area	1932
Mankato	14,038	Use&Area	1932
Montevideo	4,319	Use&Area	1932
Saint Louis Park	4,710	Comp.	1932
MISSISSIPPI			
Tupelo	6,361	Use	1932
MISSOURI			
Jefferson City	21,596	Comp.	1932
MONTANA			
Great Falls	28,822	Comp.	1930-1-2
Missoula	14,657	Comp.	1932
NEBRASKA			
Alliance	6,669	Comp.	1931-2
Falls City	5,787	Use	1932

<u>State & municipality</u>	<u>Population 1930 census</u>	<u>Type of zoning ordinance</u>	<u>Date of adoption and amendment</u>
NEW HAMPSHIRE			
Littleton Town	4,558	Use	1932
NEW JERSEY			
Atlantic City	66,198	Comp.	1929-30-2
Bernardsville	3,336	Comp.	1932
Englewood Cliffs	809	Comp.	1932
Essex Fells	1,115	Use	1928-31-2
Glen Ridge	7,365	Comp.	1921-3-4-9-32
Monmouth Beach	457	Comp.	1922-3-8-30-1-2
Morris Twp.	5,565	Comp.	1932
Peapack-Gladstone	1,273	Comp.	1932
South Plainfield	5,047	Comp.	1932
Westfield	15,801	Comp.	1921-8-32
NEW YORK			
Auburn	36,652	Use	1925-32
Babylon Town	6,572 *	Comp.	1932
Binghamton	76,662	Comp.	1922-3-4-32
Brightwaters	1,061	Comp.	1922-32
Cornwall	1,910	Comp.	1932
Garden City	7,180	Comp.	1922-4-9-30-2
Greenburgh Town	9,005 *	Comp.	1924-8-32
Larchmont	5,282	Comp.	1921-30-2
Malverne	2,256	Comp.	1926-32
Mill Neck	516	Comp.	1926-7-8-31-2
Mineola	8,155	Comp.	1921-32
Niskayuna Town	4,931	Comp.	1929-32
North Hills	339	Use&Area	1932
Roslyn		Comp.	1932
Sands Point	438	Use	1922-7-32
Saranac Lake	8,020	Comp.	1932
Yorktown Town	2,724	Comp.	1932
OHIO			
Akron	255,040	Comp.	1922-8-32
Cincinnati	451,160	Comp.	1924-32
Dayton	200,982	Comp.	1926-31-2
Lockland	5,703	Comp.	1932
Middletown	29,992	Comp.	1932
Troy	8,675	Comp.	1932
Valley View	594	Use&Area	1932
Wadsworth	5,930	Comp.	1932

* Population of unincorporated area covered by zoning ordinance.

<u>State & municipality</u>	<u>Population 1930 census</u>	<u>Type of zoning ordinance</u>	<u>Date of adoption and amendment</u>
---	---------------------------------------	---	---

OREGON

Corvallis, 7,535 Comp. 1932

PENNSYLVANIA

Downingtown	4,548	Comp.	1932
Monaca	4,641	Comp.	1925-6-32
Nether Providence Twp. (Del. Co.)	2,833	Comp.	1932
Pittsburgh	669,817	Comp.	1923-7-30-32
Shaler Twp.	9,573	Use&Area	1932

TENNESSEE

Nashville 153,866 Interim 1932

TEXAS

Brownsville	22,021	Comp.	1932
Tyler	17,113	Comp.	1932
Waco	52,848	Use	1952

VERMONT

Lydonville 1,559 Use 1932

VIRGINIA

Alexandria	24,149	Comp.	1931-2
Roanoke	69,206	Comp.	1923-32

WISCONSIN

Fox Point	474	Comp.	1926-32
Manitowoc	22,963	Comp.	1930-2
Manitowoc Rapids Town	405	Use	1932
Milwaukee	578,249	Comp.	1920-4-6-7-8- 9-32
West Bend	4,760	Use	1932

